

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	CRIMINAL ACTION
Plaintiff	)	
v.	)	Case No. 3:14-cr-00338-VC
LARA A. KARAKASEVIC,	)	
a/k/a LARA CASTLE,	)	MEMORANDUM OF LAW
and	)	IN SUPPORT OF:
JAMES C. CASTLE,	)	AMICUS CURIAE AFFIDAVIT
a/k/a CRIS CASTLE	)	FOR THE RECORD
DEFENDANTS	)	

**MEMORANDUM OF LAW**

**IN SUPPORT OF AMICUS CURIAE AFFIDAVIT FOR THE RECORD  
NOTICE OF PRIVATE CITIZENSHIP STATUS TO THE MOVING PARTY  
DEMAND FOR SHOW CAUSE FROM THE MOVING PARTY**

This MEMORANDUM OF LAW is intended to be read in conjunction with each of the twenty-eight points enumerated in the foregoing "Amicus Curiae Affidavit for the Record." Said Amicus has been filed *ex parte* by Private Citizen of the United States James Christopher Castle (hereinafter "Castle"), a friend of this Emergency War Powers Court (hereinafter "the Court") and Agent of Record for Defendant "JAMES CHRISTOPHER CASTLE." Plaintiff has presumed that Castle is the Defendant "JAMES CHRISTOPHER CASTLE" for which presumption of law said Amicus demands the Plaintiff **show cause**. This MEMORANDUM OF LAW is intended to rebut Plaintiff's presumption of law premised upon the presumed existence of a legal fiction, finally concluding that Plaintiff cannot show cause and therefore has failed to properly identify Castle as the Defendant, due process being deficient on its face, the Court wanting jurisdiction *in personam*.

**I. SPECIAL VISITATION**

Castle, *in esse* and *sui juris*, in challenging the martial due process imposed by the Plaintiff leading to *In Personam* jurisdiction of this Court, has made a special restricted ministerial visitation in his proper person, *in propria persona*. There is no

Special and Private seventeen (17) total pages.

need to cite legal authorities in this instance, for the maxim is: "In clear cases, he mistakes who cites legal authorities; for obvious truths are not to be proved. . . for he who endeavors to prove them obscures them."

Castle, in challenging the martial due process mistakenly imposed on his proper person by Plaintiff, has not made an appearance of any kind, nor is he representing "JAMES CHRISTOPHER CASTLE" in a "pro se" capacity, nor has he pled to the merits of the case.

## II. CONSTITUTIONAL POSTERITY

1. Castle is a beneficial member of the sovereign "We the People" having ordained and established the Constitution of the Republic of Iowa. Its Preamble declares: "WE THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish [by this Constitution] a free and independent government..."
2. Castle is also a beneficial member of the Posterity of the sovereign "We the People" having ordained and established the Constitution of the United States. Its Preamble declares:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general welfare, and secure the Blessings of Liberty to ourselves and to our Posterity, do ordain and establish this Constitution for The United States of America."

Castle is a beneficial member of the posterity of the sovereign "We the People" of The United States of America having created this federal district court of record of The Constitution of The United States of America. Hence this is a constitutionally-created *de jure* Court of Record of The United States of America.

Castle is a beneficial member of the sovereign people of the Republic of Iowa having created this county court of record of the Constitution of the Republic of Iowa. Hence this is a constitutionally-created *de jure* Court of Record of the Republic of Iowa.

### III. NAME OF FRIEND OF THE COURT

The Christian name of this, civilian, private citizen, friend of the Court is James Christopher Castle and he must be addressed by that name in any legal procedure, at law or in equity, unless his constitutionally-protected *de jure* citizenship status has been altered or modified by a legal event. A proper private Christian name with patronymic is always spelled in both upper and lower case letters, never in ALL CAPITAL LETTERS as a capatonym. In Black's Law Dictionary, 5<sup>th</sup> edition, pp. 219, 1294 and 922 we read:

**"Christian name.** The baptismal name as distinct from the surname. The name which is given after his birth or at baptism, or is afterward assumed by him in addition to his family name. . . ."

**"Surname.** The family name; the name over and above the Christian name. The part of a name which is not given in baptism. The name of a person which is derived from the common name of his parents. *In re Faith's Application*, 22 N.J. Misc. 412, 39 A2d 638, 640. The last name; the name common to all members of a family."

**"Name.** The designation of an individual person, or of a firm or corporation. A person's 'name' consists of one or more Christian or given names and one surname or family name. It is the distinctive characterization in words by which one is known and distinguished from others, and description, or abbreviation, is not the equivalent of a 'name.'"

Castle is not to be addressed by a "*non de guerre*"/name of war unless his constitutionally-protected *de jure* citizenship status has been altered or modified by a legal event. A "*non de guerre*"/name of war is the name carried by all American soldiers and is always spelled in ALL CAPITAL LETTERS. The name-tag pinned on the right breast of his dress uniform is a "*non de guerre*;" the name stamped on all his belongings during Basic Training, from his fatigues, to his underwear, to his bath towels, is a "*non de guerre*;" and the name appearing on his military discharge is a "*non de guerre*," which name is always in ALL CAPITAL LETTERS with an attached Social Security Number inscribed below the NAME. According to The American Heritage Dictionary of the English Language (1973) p. 891, a "*non de guerre*" is: "A pseudonym formerly assumed by a French officer upon entering military service."

According to Webster's New Collegiate Dictionary (1975) p. 179, a "*non de guerre*" is:

"A war name; a Pseudonym; Pen Name." Further, the same source on page 930 defines "pseudonym" as: "**Pseudonym**: a false name; fictitious name; a Pen Name."

Further, *Black's Law Dictionary*, *ibid*, p. 562, defines "fictitious name."

"**Fictitious name.** A counterfeit, alias, feigned, or pretended name taken by a person, differing in some essential particular from his true name (consisting of Christian name and patronymic) with the implication that it is meant to deceive or mislead."

Castle is not to be addressed by a fictitious war name but by his Christian name.

#### IV. DE JURE CONSTITUTIONAL STATUS

Castle is a natural born private individual citizen of The United States of America enjoying said citizenship conferred by section 1 of the Fourteenth Amendment to The Constitution of The United States of America. The original *de jure* United States citizenship conferred through Article IV Section 2 of the Constitution was derivative of State citizenship. An American citizen was first a citizen of his State and thereby a citizen of the United States. But this citizenship status was "**enlarged**" and "**broadened**" by the Fourteenth Amendment to the federal Constitution. James G. Blaine, one of the promoters of the post "Civil War" Fourteenth Amendment, stated the intent of the pro-socialist-communist, Radical Red Republicans when he declared: "In the first place, we ask that they [*the Southern states*] will agree to certain changes in the Constitution of the United States; and to begin with, we want them to unite with us in **broadening the citizenship** of the Republic. . . . And in making this **extension of citizenship**, we are not confining the breath and scope of our efforts to the negro. It is for the white man as well. **We intend to make citizenship National.** Heretofore, a man has been a citizen of the United States because he was a citizen of some one of the States: now, we propose to reverse that and make him a citizen of any State where he chooses to reside, by defining in advance his **National citizenship.**"<sup>1</sup> [Emphasis in bold]

The Fourteenth Amendment, purportedly ratified on July 28, 1868, accomplished what Blaine and his radical cohorts had intended. The *Selective Draft Law Cases*, 245 U.S. 366, 388-389 (1918) make this clear. Jesuit Georgetown University-trained, Knight of Columbus Chief Justice Edward White declared:

1. <sup>1</sup> James G. Blaine, *Political Discussions: Legislative, Diplomatic, and Popular, 1856-1886*, (Norwich, Conn.: The Henry Bill Publishing Company, 1887) pp. 63-64.

“... it **broadened** the national scope of the Government under the Constitution by causing citizenship of the United States to be **paramount and dominant** instead of being **subordinate and derivative**, and therefore, operating as it does upon all the powers conferred by the Constitution leaves no possible support for the contentions made if their want of merit were otherwise not so clearly made manifest.”

However the Fourteenth Amendment did not *create* a new privileged citizenship. The *de jure* pre-Fourteenth Amendment **Federal** Citizenship of the United States was **broadened** into the post -14<sup>th</sup> Amendment **National** citizenship. Yet the former limited Federal citizenship protected by Article IV Section 2 of the Constitution that was subsequently **extended and broadened** to become **National** in nature by means of the Fourteenth Amendment remained *de jure*. For this former **Federal** citizenship was indeed *de jure* and not *de facto* the result of State ratification of the organic document having created The United States of America in 1789. In *Colgate v Harvey* 296 U.S. 404, 427 (1935) the Court held:

“Thus, the dual character of our citizenship is made plainly apparent. That is to say, a citizen of the United States is *ipso facto* and at the same time a citizen of the state in which he resides. And while the Fourteenth Amendment **does not create a national citizenship**, it has the effect of making that citizenship ‘paramount and dominant’ instead of being ‘derivative and dependent’ upon state citizenship.”

Therefore, Castle holds *de jure* **Federal** citizenship secured by Article IV Section 2 of the Constitution of the United States as broadened into **National** citizenship by Section 1 of the *de jure* Fourteenth Amendment to the United States Constitution.

This *de jure* Fourteenth Amendment National Citizenship for individual American citizens was also defined to be “**private**” in contrast with *de facto* state-created corporate “**public**” citizens of the United States. In *Hale v. Henkel* 201 U.S. 43, 74 (1906) the Court held:

“The individual may stand upon his constitutional rights as a **citizen**. He is entitled to carry on his **private** business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by **due process of law**, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from

arrest or seizure except under a warrant of law. He owes nothing to the public so long as he does not trespass upon their rights.”

By contrast and comparison, the Court went on to describe the state-created “public” corporate citizen. It declared in *Hale v. Henkel* supra 74-75:

“Upon the other hand, the corporation is a creature of the State. It is presumed to be incorporated for the **benefit of the public**. It receives certain special privileges and franchises, and holds them subject to the laws of the State and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a State, having chartered a corporation to make use of certain franchises, could not in the exercise of its sovereignty inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose.” [Emphasis in bold]

Further stressing the difference between the individual Private Citizen and the corporate Public Citizen, the Supreme Court of Oregon declared in *Redfield v. Fisher*, 292 P. 813, 819 (1930):

“The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but the individual’s right to live and own property are natural rights for the enjoyment of which an excise cannot be imposed.”

It must be noted that this decision the private individual and the public corporation was delivered prior to Congress amending its “Trading with the Enemy Act” (1917). Said Act was amended by means of the “Emergency Banking and Relief Act” which Banking Act also “approved and confirmed” President Franklin D. Roosevelt’s Emergency War Powers “Proclamation 2040” on March 9, 1933.

Castle is not a volunteer<sup>2</sup> for, nor a surety for, nor is he wedded to, as one entity with, a state-created franchised *de facto* Public “U.S. citizen” incorporated for the purposes of commerce.

## V. PRIVATE NON-STATUTORY RESIDENT

<sup>2</sup> Maxim of Equity: “Equity will not aid a volunteer.”



Castle is an individual Private Citizen of the United States and is therefore an individual Private Citizen of the Republic of Iowa, specially and privately residing in Equity on the land of Jefferson County within the geographic Republic of Iowa. One of the privileges and immunities of *de jure* Fourteenth Amendment National citizenship is citizenship of the state in which the National citizen resides, *Slaughter-House Cases*, 83 U.S. 36, 80 (1873).

Castle is not a state-franchised individual Public "U.S. citizen" and is therefore not a state-franchised individual Public citizen of the Republic of Iowa.

All corporations/artificial persons created by any of the fifty state governments for the benefit of the public and subject to statutory "public policy" are Public "U.S. citizens" publicly residing according to statute within the state of their legal residence in which they also hold state citizenship. Concerning said state citizenship of a state-created corporation, *Hale v Henkel*, supra, page 85 reads:

"As repeatedly held, a corporation is a citizen of a State for purposes of jurisdiction of Federal courts, . . ."

Concerning said corporation, if over fifty percent of the stock of a state-charted corporation is held by Public "U.S. citizens," then that corporation is considered to be a Public "U.S. citizen" (46 U.S.C. 802(a). Castle is not a state-franchised artificial person/Public "U.S. citizen" nor is he volunteer and/or surety for or wedded into one legal entity with a state-franchised artificial person/Public "U.S. citizen" publicly residing according to statute within the Republic of Iowa.

The state-franchised artificial person Public "U.S. citizen" is not one of "**We the People**" having established The Constitution of The United States of America and the Constitution of the Republic of Iowa. Again we read the opinion of the Court in *Hale v. Henkel*, supra, page 78:

"In my opinion, a corporation—'an artificial being, invisible, intangible and existing only in contemplation of law'—cannot claim the immunity given by the Fourth Amendment; for, it is not part of the 'People,' within the meaning of that Amendment. Nor is it embraced by the word 'persons' in the Amendment."

Castle, a Private American Citizen, is a beneficial member of the sovereign "**We the People**" and therefore is a private non-statutory resident of the Republic of Iowa privately residing on the land in juridical Equity in the County of Jefferson.

## VI. FRIEND OF THE COURT NOT VOLUNTEER AND/OR SURETY

Upon the state creation of commercial corporate sole "JAMES CHRISTOPHER CASTLE" on July 25, 1964 by way of a publicly filed unilateral contract under seal Private Citizen Castle was reduced to an inferior grade of citizenship status becoming the property of, volunteer and/or surety for, and wedded to, corporate sole "JAMES CHRISTOPHER CASTLE." This merger of an artificial person (created by state statute) with a natural person (protected by the supreme law of the land) generated by operation of law one new artificial person—the hybrid—*human* "monster"—the heretofore nonexistent in law, individual flesh and blood Public "U.S. citizen." (See "Certificate of Live Birth" attached to Exhibit 1 of attached "*Affidavit of Status of James Christopher Castle: American Freeman; Private Citizen of the United States: American National.*")

Upon consenting by silence to being reduced to the inferior grade of Public "U.S. citizen," Castle ceased to be a *de jure* Private Citizen of The United States of America protected by Section 1 of the Fourteenth Amendment to the Constitution of the United States. He also ceased to be one of the sovereign "**We the People**" of the United States and became volunteer and/or surety for a stranger, the state-created artificial person Public "U.S. citizen" in violation of the Word of God, *The AV1611 Reformation English Bible*, for:

**"He that is surety for a stranger shall smart for it; and he that hateth suretyship is sure." Proverbs 11:15**

Upon seeing the error of his ways Castle executed a unilateral contract under seal. (See "**Release Without Consideration—*Nunc Pro Tunc Ab Initio***," Exhibit 1 of attached "*Affidavit of Status.*") Meeting all necessary legal requirements for said contract to be in full force and effect (in writing, signed, sealed, with stated intent, delivered and filed with a public office of record), Castle is no longer property of, nor volunteer and/or surety for, nor wedded to, Public U.S. citizen "JAMES CHRISTOPHER CASTLE" or any derivative of the NAME thereof. Since the document was executed "***Nunc Pro Tunc Ab Initio***," Castle is not, **nor has he ever been**, property of, volunteer and/or surety for, or wedded into, one artificial entity with Defendant "JAMES CHRISTOPHER CASTLE," a statutory creation of the State of California. Castle' public filing of said Release with the Superior Court of Lamar County, State of Georgia is valid in the Republic of Iowa through Article IV, Section 1 ("Full Faith and Credit Clause") of the Constitution of the United States. Further, the Republic of Iowa is prohibited from impairing the obligation of this contract through Article I Section 10 of the Constitution of the United States.



Concerning the status of Castle, the legal fiction/presumption of law giving rise to Plaintiff's presumption of law that Castle is a Public "U.S. citizen"—and therefore a statutory resident of the Republic of Iowa—has been rebutted with prima facie evidence.

Since "JAMES CHRISTOPHER CASTLE" was a corporate sole, Castle executed his **"Release Without Consideration—*Nunc Pro Tunc Ab Initio*"** in accordance with the Law of Contract, Maxims of Equity (Equity will not aid a volunteer; Equity will not perfect an imperfect gift) and the Uniform Commercial Code Section 1-107. Said Release acts as a gratuitous abandonment or giving up of a right and does not require a consideration. Your *Miller v. Gayman, Mo.*, 482 S.W. 2d 414 or 415. Said Release **unmakes the state's contract from the beginning**, not merely at termination, the consent of the state being unnecessary, and has restored Castle to the **status quo** of being a Private American Citizen of the United States. This status is protected by Section 1 of the Fourteenth Amendment to The Constitution of The United States of America. This status is the standing, state and social position of Castle in his legal relationship to both federal and state governments as well as to the political communities of "The United States of America," the "United States" and the Republic of Iowa presently under emergency war powers governments.

Upon Castle further seeing the error of his ways, Castle executed another unilateral contract under seal. (See **"Notice of Rescission of Signatures of Suretyship—*Nunc Pro Tunc Ab Initio*,"** Exhibit 2 of attached *"Affidavit of Status."* Meeting all necessary legal requirements for said contract to be in full force and effect (being in writing, signed, sealed, with stated intent, delivered and filed with a public office of record), Castle has rescinded every signature ever provided for Public U.S. citizen "JAMES CHRISTOPHER CASTLE" or any derivative of said NAME thereof. Therefore Castle does not provide, **nor has he ever provided**, a signature of suretyship for Defendant "JAMES CHRISTOPHER CASTLE," a statutory creation of the State of Michigan. Castle's public filing of said contract with the State of Georgia is valid in the Republic of Iowa through Article IV, Section 1 ("Full Faith and Credit Clause"), of the Constitution of the United States. Further, the Republic of Iowa is prohibited from impairing the obligation of this contract through Article I, Section 10, of the Constitution of the United States. Concerning the deeds of Castle, the legal fiction/presumption of law giving rise to Plaintiff's presumption that Castle is a Public "U.S. citizen"—and therefore a statutory resident of the Republic of Iowa—has been rebutted with prima facie evidence.

Upon the public filing of the above two unilateral contracts under seal the individual *de jure* Fourteenth Amendment citizenship status of Castle, in both status and deed, has been automatically restored pursuant to the general maxims of the Law of Contract. Like Dorothy leaving the artificial world of the "Land of OZ" and returning to the natural

world of "Kansas," even so Castle has ceased to be an artificial person/Public "U.S. citizen" and has returned to being a natural person/Private American Citizen protected by Section 1 of the Fourteenth Amendment to the Constitution of the United States. Castle now enjoys the former status held for a mere seventeen (17) days after his natural birth.

Castle, a beneficial member of the "Posterity" so designated in the Preamble to The Constitution of The United States of America, is once again one of the sovereign "We the People."

### **FLAGS OF PRIVATE CITIZEN**

The flags of Castle are the civilian flag of the Republic of The United States of America defined in 4 U.S.C. 1, and the civilian flag of the Republic of Iowa defined in P.L. 560, No. 373. Neither flag is defined as being bordered on three sides with gold fringe or draped with gold cords having gold tassels on the ends of said gold cords. The flags of Castle are not military colors as defined in Army Reg. 840-10, 2-3b, c(4), bordered on three sides with gold fringe, either federal or state.

### **LAW OF THE CASE**

The Law of this case is The Constitution of The United States of America, the supreme law of the land, federal and state. Pertinent portions of the Constitution are but not limited to the Preamble; Article 1, section 10; Article IV, sections 1, 2 and 4; Article VI, section 2; Amendment V; and Section 1 of the Fourteenth Amendment.

### **CIVILIAN DUE PROCESS OF LAW**

Castle, a constitutionally-protected *de jure* Private Citizen of The United States of America, is guaranteed due process of law on a state level by Section 1 of the Fourteenth Amendment to the United States Constitution. For Castle that due process of law must be a civilian due process of law be it according to the Civil Law or the Common Law at the discretion of the state. This civilian due process of law is a constitutionally-protected right of Castle as specified in *Hale v. Henkel*, supra, page 74:

"His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the constitution."

Castle' constitutional right to a civilian due process of law is to be protected by the courts, federal and state. In *Boyd v. United States* 116 U.S. 616 at 635 the Supreme Court declared in 1886 regarding the individual Private Citizen of the United States: "It is the duty of the courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be *obsta principiis*."

## VII. EMERGENCY WAR POWERS

On March 9, 1933, President Franklin D. Roosevelt issued Proclamation 2040 invoking Emergency War Powers to address the national emergency caused by the Stock Market crash of October 1929 coupled with a dubious pretense of Wall Street's bemoaning of the Citizens hoarding of gold and the subsequent desperation of the American people. In so doing the constitutional *de jure* government of the United States was ousted and replaced with a *de facto* Emergency War Powers military government. That it may be clear the government of the United States has been in a declared state of emergency since March 9, 1933, the *Report of the Special Committee on the Termination of the National Emergency* issued on November 19, 1973 declared in its "Forward:"

"Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidential-proclaimed states of national emergency. In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergencies proclaimed by President Truman on December 16, 1950 during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970 and August 15, 1971."

The Senate Report went on to state pursuant to Senate Resolution 9, 93<sup>rd</sup> Congress:

"A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. The problem of how a constitutional democracy reacts to great crisis, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crisis have—from at least, the Civil War—in important ways, shaped the present phenomenon of a permanent state of national emergency."

Concerning the final findings of the above Senate Committee, *CRS Report for Congress* on "National Emergency Powers" issued September 18, 2001, it stated on page CRS-10: "The special committee also found that no process existed for automatically terminating the four outstanding national emergency proclamations."

On the same day of March 9, 1933 Congress amended the World War I "Trading With the Enemy Act" of October 6, 1917 codified today as 12 U.S.C. 95a-b. It approved and

confirmed every act and proclamation of President Roosevelt since March 4, 1933 the day of his Inaugural Address. By operation of law, the Act also approved and confirmed the seizure of every piece of registered property recorded on a state level as "booty" to be used as collateral for the national debt incurred by the new military government. That property included all state-created, statutory Public "U.S. citizens" (with their attached volunteer sureties, the *de jure* Private American Citizens—"We the People") of the conquering Commander in chief, they to be ruled by his *de facto* Emergency War Powers military government. This amended World War I statute made every state-created, Public "U.S. citizen," described in the Emergency Banking Relief Act as "**any person . . . subject to the jurisdiction of the United States,**" to be an enemy combatant, a belligerent and a rebel statutorily residing in the states of the United States now considered to be "conquered territories" by the Commander in chief/ "American Caesar" and his Emergency War Powers *de facto* military government.

On March 9, 1933 every federal and state court became a court of the new Emergency War Powers governments imposed on federal and state levels. The courts of record, though **IN FORM** remaining *de jure* constitutional courts having been created by their respective constitutions, federal and state, became **IN SUBSTANCE** *de facto* statutory courts, their procedural civilian due process having been altered by Section 17 of the "Trading with the Enemy Act" into a martial due process, federal statute 50 U.S.C. App. 5(b) made applicable to every "**person**" conducting financial transactions "**within the United States**" by the "Emergency Banking Relief Act" (12 U.S.C. 95a). These courts would sit in substantive **executive equity** of the Commander in chief once their Supreme Court-protected, common law civilian due process and common law rights of the Private American citizens (termed "American Freemen" by past Supreme Court justices), were abolished by two landmark decisions.

On April 25, 1938 the Supreme Court decided *Erie Railroad Company v Tompkins*, 304 U.S. 64, thereby abolishing "federal general common law" overruling *Swift v. Tyson*, 41 U.S. 1 (1842). This radical decision overturned nearly a century of federal procedure case law which rested on American Common Law procedure for civilians.

On April 25, 1938 the Supreme Court also decided *United States v Carolene Products Company*, 304 U.S. 144 thereby abolishing the individual common law right to contract overruling *Lochner v New York*, 198 U.S. 45 (1905). This decision ended the glorious "Lochner Era" (1905-1938) and with the *Erie* decision enabled all Emergency War Powers courts of the President/Commander in chief and his subordinate Governors/Commanders in chief to alter their American Common Law **civilian process** for Private Citizens of the United States into a Roman Civil Law **martial process** for Public "U.S. citizens" deemed enemy combatants publicly residing in conquered

territories. These Emergency War Powers Courts could then proceed to sit in a substantive martial "look-a-like-**Equity**" maintaining the rule of the Commander in chief, said courts now unrestrained by historic limitations of the Common Law, while enforcing the unlimited, legislative power of an Emergency War Powers Congress aided and abetted by subordinate "territorial" war powers state legislatures acting within their jurisdictions.

## VIII. HYBRID CITIZEN FOR A HYBRID GOVERNMENT

The *de facto* Public "U.S. citizen" is a state-created artificial person in combination with the natural person constitutionally-protected *de jure* Private Citizen with the former status controlling. The Pubic "U.S. citizen" in commerce is a "**person** within the United States" upon which the amended "Trading With the Enemy Act" was imposed. Public "U.S. citizens" are in commerce and adjudged to be enemies and belligerents living outside of *de jure* constitutional protections. These are the "**persons within**" the United States having been submitted to the Congressionally-amended "Trading With the Enemy Act," and thereby, having lost their sovereignty as "**We the People**," have been reduced and fitted to be governed by an unlimited *de facto* Emergency War Powers military government during a "temporary" state of national emergency.

The *de facto* military government of the United States and the *de facto* military government of the Republic of Iowa have been since March 9, 1933 hybrid combinations of the constitutionally-created *de jure* Republican governments (mandated by Article IV, section 4, of the United States Constitution) with the *de facto* Emergency War Powers military governments created by a presidential proclamation and an altered congressional war statute, the latter governments controlling. These hybrid governments are constitutional **IN FORM** but statutory and purely legal in their nature and in their **SUBSTANCE**. This hybrid government is limited and republican **IN FORM** but are unlimited absolute and martial **IN SUBSTANCE**—and **IN POWER**, albeit only absolutely over public U.S. Citizens.

Hence, the Public "U.S. citizen" being in state intrastate commerce as well as in federal interstate and foreign commerce has also been deemed to be an enemy combatant publicly residing according to statute in a state deemed a "conquered territory." With this combined commercial/war status, the Public "U.S. citizen" has been fitted to be statutorily-controlled by all federal and state legislatures (limited only by decisions of the Supreme Court) while subject to the enforcement of said statutes by Emergency War Powers Courts, federal and state, without the limitations of written federal and state constitutions. Castle is not the state-created statutory Public "U.S. citizen" and enemy



belligerent "JAMES CHRISTOPHER CASTLE" publicly residing in a "conquered territory."

#### IX. LEGAL DILEMMA

If the Plaintiff attempts to use this *de jure* constitutionally-created court to impose a *de facto* martial due process of law on Castle through the use of fictitious name/*non de guerre* "JAMES CHRISTOPHER CASTLE," in addition to setting the court with federal and state martial flags in said martial process, it would be a violation of Castle's right to a civilian due process (either civil law or common law civilian due process) secured by the Fifth Amendment on a federal level and by the Fourteenth Amendment on a state level.

Further, the judge if he proceeds with said martial process would be in violation of his oath of office to uphold and defend The Constitution of The United States of America and the Constitution of the Republic of Iowa as they relate to Castle. Said violation of due process would create a **conflict and variance** to be privately—to the exclusion of the public and the press—resolved in a federal district court sitting in equitable by nature exclusive equity while subjecting the judge to potential judicial review and sanctions. Castle does not believe this is the intent, nor the probability, of the Plaintiff.

#### X. SHOW CAUSE

THEREFORE, Castle demands that Plaintiff SHOW CAUSE why their complaint and these commencing proceedings are not a nullity and should not be abated/extinguished—whereby the presiding Judge *sua sponte* should not make it so<sup>3</sup>—by establishing in law and fact by sworn affidavit or sworn testimony:

That Castle has lost his status of being a constitutionally-protected *de jure* Private Citizen of The United States of America (said status secured by Section 1 of the Fourteenth Amendment) no longer privately residing on the Land in juridical Equity;

That Castle is now a statutory public resident of the Republic of Iowa, and thus a franchised, state-created *de facto* Public "U.S. citizen" considered to be an enemy belligerent in commerce known by its name of war/*nom de guerre* "JAMES CHRISTOPHER CASTLE" or any derivative of said war name thereof;

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<sup>3</sup> Maxim of Equity: "Equity regards as done that which ought to have been done."

That Castle has knowingly, willingly, voluntarily or by operation of law, entered into an agreement for the exercise of a privilege or the receipt of a benefit and, for attendant considerations, assumed duties and obligations carried with that grant of privilege or benefit thereby reducing his "natural born," non-commercial, non-martial *de jure* Private Citizen status to the inferior grade of being a *de facto* Public "U.S. citizen" and "enemy belligerent" in commerce giving rise to a legal fiction/presumption of law that Castle holds Public U.S. citizenship/public resident status and that Castle is therefore subject to the *de facto* martial process of this substantively *de facto* Emergency War Powers Court sitting in a derivative Executive—"look-a-like"—Equity for the purposes of facilitating war and commerce for the benefit of the Commander in chief controlled by the pope of Rome. For the burden of proof is on the moving party to set forth the jurisdictional facts in seeking to access the *In Personam* jurisdiction of this court, for once jurisdiction has been challenged in the courts, it becomes the responsibility of the Plaintiff to assert and prove said jurisdiction, your *Hagans v. Lavine*, 415 U.S. 533, (1974). For mere good faith assertions of power have been abolished, your *Owen v. City of Independence*, 445 U.S. 622 (1980).

## XI. CONCLUSION

Plaintiff's presumption of law, i.e., that Castle is a statutory resident of the Republic of Iowa and thus a *de facto* Public "U.S. citizen" and enemy belligerent in privileged commerce known by the war name of "JAMES CHRISTOPHER CASTLE," cannot stand in the face of a clear and direct constitutional challenge unless Plaintiff meets his burden of proof in establishing the legal existence of said legal fiction/ presumption of law. Without answering Castle's **demand to show cause** set forth in his Amicus Curiae Notice, Plaintiff has failed to state a jurisdictional claim upon which relief may be granted, this Court being precluded from imposing a martial due process and thereby assuming *In Personam* jurisdiction over Castle, a non-statutory, non-commercial, non-belligerent, non-territorial, special and private resident on the land in juridical Equity, and most importantly, a peaceful *de jure* Private Citizen of The United States of America.

It is now incumbent upon this Court to order the Plaintiff to **show cause** that Castle can be subjected to a jurisdiction that utilizes a procedural martial due process to gain personal *in personam* jurisdiction over Castle, OR BE IT RESOLVED, Should the Plaintiff fail to **show cause** that Castle has surrendered his *de jure* constitutional status of being a Private Citizen of the United States and one of the sovereign American "**We the People**"—a Constitutional threshold issue—then *this* Court, *sua sponte*, has no alternative but to **abate this matter**.

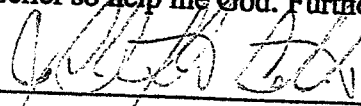
Dated: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
James Christopher Castle, *in esse* and *sui juris*.  
Private Citizen of The United States of America.  
Private Citizen of the Republic of Iowa.  
Privately residing and domiciling in juridical Equity on the  
Land of Jefferson County  
Agent for "JAMES CHRISTOPHER CASTLE".  
All Rights Reserved Without Prejudice.

### VERIFICATION

I, James Christopher Castle, the Undersigned, hereby verify, under penalties of perjury pursuant to the soul, intent and spirit of the laws of The United States of America including your that the above statements of fact are true and correct to the best of my personal first-hand knowledge and belief so help me God. Further Affiant Sayeth Not.

  
\_\_\_\_\_  
James Christopher Castle, Amicus Curiae


5 August 2014  
\_\_\_\_\_  
Date


New Zealand  
Bay of Plenty  
Tauranga

} Subscribed and Affirmed

Acknowledgment

BETT KNOWN, that on the \_\_\_\_ Day of August, Two Thousand Fourteen before me, Kenneth  
James LEONARD, Justice of the Peace by the Country of New Zealand, duly  
authorized, empowered and admitted to take acknowledgments, came by special restricted  
ministerial visitation **James Christopher Castle**, within named, and acknowledged the above  
"AMICUS CURIAE AFFIDAVIT FOR THE RECORD: NOTICE OF PRIVATE CITIZENSHIP  
STATUS TO THE MOVING PARTY; DEMAND FOR SHOW CAUSE FROM THE MOVING  
PARTY with attached MEMORANDUM OF LAW" to be his sole freewill act and Deed for the  
uses and purposes therein expressed. IN TESTIMONY whereof I have hereunto set my Hand  
and Seal this Day and Year last aforesaid.

  
\_\_\_\_\_  
Justice of the Peace - signature

KENNETH JAMES LEONARD  
  
TAURANGA  
JUSTICE OF THE PEACE  
FOR NEW ZEALAND

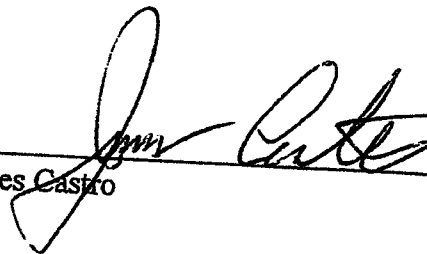
[seal]

**CERTIFICATE OF SERVICE**

IT IS CERTIFIED that the enclosed AMICUS CURIAE AFFIDAVIT FOR THE RECORD:  
NOTICE OF PRIVATE CITIZENSHIP STATUS TO THE MOVING PARTY; DEMAND FOR  
SHOW CAUSE FROM THE MOVING PARTY with attached MEMORANDUM OF LAW was  
served upon Plaintiff on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by  
depositing copies in the United States mail, postage prepaid, sent to the attorney for the Plaintiff  
addressed as follows:

NATHANAEL COUSINS  
CABN 177944  
SAN FRANCISCO COURTHOUSE  
Courtroom A - 15th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Phone: (415) 522-2112

MELINDA HAAG  
CABN 132612  
405 Howard Street # 11  
San Francisco, CA 94105  
Phone: (415) 773-5700

  
James Castro

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**United States District Court**

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA

LARA A. KARAKASEVIC,  
a/k/a LARA CASTLE  
and  
JAMES C. CASTLE,  
a/k/a CRIS CASTLE

**CR 14 338**

DEFENDANT(S).

**VC**

**INDICTMENT**

Title 18 U.S.C. § 371 - Conspiracy To Defraud the United States  
Title 26 U.S.C. § 7208(1) - Filing False Returns

A true bill.

TH  
Foreman

Filed in open court this 24th day of

June 2014  
James C. Castle  
Clerk

Bail, \$ No bail arrest

warrant for both defendants

Nathaniel Cousins

accept for consideration with intent to defraud, grantor, grantor and spouse  
return for consideration with intent to defraud, grantor, grantor and spouse  
by grantor/settlor  
of extinguishment, benefit, enjoyment, grantor, grantor and spouse  
5 august 2014  
JAMES CHRISTOPHER CASTLE

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AO 257 (Rev. 8/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT**OFFENSE CHARGED**☐ SUPERSEDING

Title 18 U.S.C., Section 371 - Conspiracy to Defraud the United States

Title 26 U.S.C., Section 7206(1) - Filing False Returns

☐ Petty☐ Minor☐ Misdemeanor☒ Felony

**PENALTY:** Title 18 U.S.C. Section 371 - 5 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment;  
 Title 26 U.S.C. Section 7206(1) - 3 years imprisonment, \$250,000 fine, 1 year supervised release, \$100 special assessment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

LARA A. KARAKASEVIC and JAMES C. CASTLE

DISTRICT COURT NUMBER

CR 14 338

DEFENDANT

VC

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted☒ U.S. Attorney ☐ Other U.S. Agency

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

Name of Assistant U.S. Attorney (if assigned)

Cynthia Stier

**PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

**ADDITIONAL INFORMATION OR COMMENTS**

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MELINDA HAAG (CABN 132612)  
United States Attorney

FILED  
2014 JUN 24 P 2:52  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARA A. KARAKASEVIC, a/k/a LARA  
CASTLE, and  
JAMES C. CASTLE, a/k/a CHRIS CASTLE,  
Defendants.

No. **CR 14 338**

VIOLATIONS: 18 U.S.C. § 371 – Conspiracy To  
Defraud the United States; 26 U.S.C. § 7201(1)  
– Filing False Tax Return

SAN FRANCISCO VENUE

VC

INDICTMENT

COUNT ONE: (18 U.S.C. § 371 – Conspiracy To Defraud The United States)

INTRODUCTION

THE CONSPIRACY

From on or about July 7, 2008, and continuing until June 8, 2009, in the Northern District of  
California, the defendants,

LARA A. KARAKASEVIC,  
a/k/a Lara Castle, and  
JAMES C. CASTLE,  
a/k/a Chris Castle,

did unlawfully, voluntarily, intentionally and knowingly conspire, combine, confederate, and agree  
together and with each other and with other individuals both known and unknown to the Grand Jury to

INDICTMENT

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defraud the United States for the purpose of impeding, impairing, obstructing, and defeating the lawful Government functions of the Internal Revenue Service of the Treasury Department in the ascertainment, computation, assessment, and collection of the revenue: to wit, income taxes.

#### PARTIES, PERSONS, AND ENTITIES

1. The Internal Revenue Service ("IRS") is an agency of the United States of America within the Department of the Treasury.

2. The Internal Revenue Code (Title 26 of the United States Code) contains the statutes and laws of the United States concerning, among other things, tax liability.

(a) "Federal income tax" refers to the tax due the United States under the Internal Revenue Code.

(b) IRS Form 1099-OID is the form that an issuer sends to investors reporting annual interest on original issue discount securities. Income shown on a 1099-OID is to be included on an investor's federal income tax return.

(c) An Application for Filing Information Returns Electronically [Form 4419] is the form filed with the IRS to obtain a Filing Information Return Electronically [FIRE] number to electronically transmit Forms 1099-OID with the IRS.

3. TTF Consulting, LLC ("TTF Consulting") is a business owned and operated by Lara Karakasevic, aka Lara Castle ("KARAKASEVIC"), from her residence located in Petaluma, California, during all times relevant to this indictment. TTF Consulting is an Internet-based business used by KARAKASEVIC and her spouse, James C. Castle, to offer the service of electronically transmitting Forms 1099-OID to the IRS for a fee.

4. James C. Castle ("CASTLE") was KARAKASEVIC's spouse during all relevant times to this indictment.

#### MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:

5. On or about July 7, 2008, KARAKASEVIC filed a Form 4419 with the IRS to obtain a FIRE number to electronically submit Forms 1099-OID to the IRS. Between July 7 and August 7, 2008, the IRS issued KARAKASEVIC FIRE Number xx423. Between April 2, 2009, and June 4, 2009,

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1 KARASASEVIC and CASTLE, both individually and d/b/a TTF Consulting, LLC, used deceit, craft,  
 2 trickery, and dishonest means to prepare six false and fraudulent Forms 1099-OID, which were  
 3 electronically transmitted to the IRS using FIRE xx423. These Forms 1099-OID falsely reported that  
 4 certain financial institutions had interest income reportable on a Form 1099-OID for taxpayers L.A. and  
 5 E.A., E.D., M.A and M.G.A., J.U., and W.E. and that the financial institutions had withheld the interest  
 6 income. These taxpayers did not have interest income from these financial institutions. Based on these  
 7 false and fraudulent Forms 1099-OID, five false and fraudulent federal income tax returns were filed by  
 8 taxpayers L.A. and E.A., E.D., M.A. and M.G.A., J.U., and W.E. seeking false and fraudulent refunds  
 9 ranging from \$ 83,948 to \$537,884.

#### 10 OVERT ACTS

11 6. By letter dated August 25, 2008, KARAKASEVIC sent the IRS a 2005 Federal Income  
 12 Tax Return seeking a \$411,538.09 refund based on a Form 1099-OID. By that letter, KARAKASEVIC  
 13 requested that the IRS notify her if the "filing is frivolous or needs correction." In response to that  
 14 letter, received by the IRS on September 2, 2008, the IRS sent a letter to KARAKASEVIC dated  
 15 October 9, 2008, informing her that her position was frivolous and had no basis in the law. Subsequent  
 16 to receiving the IRS response letter, KARAKASEVIC and CASTLE committed the following overt acts  
 17 in furtherance of the conspiracy and to effect the objects thereof, in the Northern District of California,  
 18 and elsewhere:

19 L.A. and E.A.

20 7. On April 2, 2009, KARAKASEVIC electronically transmitted to the IRS a false and  
 21 fraudulent Form 1099-OID for L.A. and E.A. reporting \$382,000 in interest income and \$382,000 in  
 22 withholding by Chase Home Finance, LLC. for the tax year 2008. KARAKASAVIC transmitted a copy  
 23 of the Form 1099-OID to L.A. and E.A. to be filed with their 2008 joint federal income tax return. A  
 24 false and fraudulent 2008 federal income tax return was filed by L.A. and E.A. seeking a refund of  
 25 \$275,732 based on the false and fraudulent Form 1099-OID.

26 E.D.

27 8. On April 13, 2009, and April 24, 2009, KARAKASEVIC electronically transmitted to the  
 28 IRS a false and fraudulent Form 1099-OID for E.D. reporting \$390,000 in interest income and

INDICTMENT

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1 withholding by IndyMac Federal Bank for the tax year 2008. KARAKASAVIC transmitted a copy of  
2 the Form 1099-OID to E.D. to be filed with her 2008 federal income tax return.

3 9. On April 13, 2009, and April 24, 2009, KARAKASEVIC electronically transmitted to the  
4 IRS a false and fraudulent Form 1099-OID for E.D. reporting \$403,800 in interest income and  
5 withholding by FHLMN Co/Citimortgage Inc. for the tax year 2008. KARAKASAVIC transmitted a  
6 copy of the Form 1099-OID to E.D. to be filed with her 2008 federal income tax return. A false and  
7 fraudulent 2008 federal income tax return was filed by E.D. seeking a refund of \$537,884 based on the  
8 false and fraudulent Forms 1099-OID.

9 M.A. and M.G.A.

10 10. On April 13, 2009, and April 24, 2008, KARAKASEVIC electronically transmitted to the  
11 IRS a false and fraudulent Form 1099-OID for M.A. and M.G.A. reporting \$368,000 in interest income  
12 and withholding from Aurora Loan Services for the tax year 2008. KARAKASAVIC transmitted a copy  
13 of the Form 1099-OID to M.A. and M.G.A. to be filed with their 2008 joint federal income tax return.  
14 A false and fraudulent 2008 joint federal income tax return was filed by M.A. and M.G.A. seeking a  
15 refund of \$248,004 based on the false and fraudulent Form 1099-OID.

16 J.U.

17 11. On May 13, 2009, KARAKASEVIC electronically transmitted to the IRS a false and  
18 fraudulent Form 1099-OID for J.U. reporting \$109,116 in interest income and withholding from JP  
19 Morgan Chase Bank for the tax year 2008. KARAKASAVIC transmitted a copy of the Form 1099-OID  
20 to J.U. to be filed with her 2008 joint federal income tax return. A false and fraudulent 2008 federal  
21 income tax return was filed by J.U. seeking a refund of \$85,843 based on the false and fraudulent Form  
22 1099-OID.

23 W.E.

24 12. On June 4, 2009, KARAKASEVIC electronically transmitted to the IRS a false and  
25 fraudulent Form 1099-OID for W.E. reporting \$86,174 in interest income and withholding from Bank of  
26 America for the tax year 2008. KARAKASAVIC caused to be transmitted a copy of the Form 1099-  
27 OID to W.E. to be filed with his 2008 federal income tax return. A false and fraudulent 2008 federal  
28 income tax return was filed by W.E. seeking a refund of \$86,174 based on the false and fraudulent Form

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1 1099-OID.

2 13. On April 16, 2009, CASTLE sent an e-mail to M.E. stating "we are in receipt of the  
3 J.U. 1099 OID information submission. Please provide a telephone number for Chase. Also, how do  
4 you wish the billing sent, to you or her? If to her, we will need an email address, All the best, Chris."

5 14. On April 22, 2009, CASTLE sent an email to M.E. stating "J.U.'s 1099 information  
6 has been completed with the number you furnished and will be uploaded tomorrow, All the best, Chris"  
7 All in violation of Title 18, United States Code, Section 371.

8 COUNT TWO: (26 U.S.C. § 7206(1) – Filing False Return)

9 15. On or about October 28, 2008, in the Northern District of California, the defendant,  
10 LARA A. KARAKASEVIC,  
11 a/k/a Lara Castle,

12 then a resident of Petaluma, California, did willfully make and subscribe an Amended U.S. Individual  
13 Income Tax Return [Form 1040X] for the 2005 tax year, which was verified by a written declaration that  
14 it was made under the penalties of perjury and which she did not believe to be true and correct as to  
15 every material matter. That 2005 Form 1040X falsely reported taxable interest of \$411,538 on line  
16 8a, taxable income of \$406,114 on line 43, and \$411,538 in federal income tax withheld on line 64,  
17 claiming an overpayment of \$291,836.00 on line 72.

18 All in violation of Title 26 U.S.C. § 7206(1).

19 Dated:

6/24/14

20 MELINDA HAAG  
21 United States Attorney

22 *J. Douglas Wilson*  
23 J. DOUGLAS WILSON  
24 Assistant United States Attorney  
Chief, Criminal Division

A True Bill

*M*  
FOREPERSON

25 Approved as to Form

26 *Cynthia Stier*  
27 CYNTHIA STIER  
28 Assistant United States Attorney  
Tax Division

INDICTMENT

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